

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRAVELERS INDEMNITY COMPANY,
TRAVELERS CASUALTY AND SURETY
COMPANY and THE PHOENIX
INSURANCE COMPANY,

Plaintiffs,

v.

UNIQUE CASEWORK INSTALLATIONS,
INC.,

Defendant.

Court No: 17-cv-06363

PLAINTIFF'S MOTION FOR PROVE-UP AND ENTRY OF JUDGMENT

NOW COME the Plaintiffs, THE TRAVELERS INDEMNITY COMPANY, TRAVELERS CASUALTY AND SURETY COMPANY, and THE PHOENIX INSURANCE COMPANY (collectively "Travelers" or "Plaintiffs") by and through their attorneys, PETER R. RYNDAK., and hereby respectfully moves this Honorable Court to Turnover Defendant's bank funds, and in support thereof, states as follows:

1. On January 31, 2018, a judgement was entered in this case in favor of Plaintiffs and against Defendant, Unique Casework Installation, Inc. ("Unique"), on claims of breach of contract, unjust enrichment and account stated in the amount of \$382,984.50. A copy of the Judgement Order is attached hereto as **Exhibit A**.

2. Plaintiff served Third-Party Respondent, Citibank, with a Third Party Citation to Discover Assets in an attempt to collect the judgment. A copy of the Third Party Citation and green card are attached as **Exhibit B**.

3. Citibank's answer to the Third Party Citation revealed that it is in possession of certain funds belonging to the Plaintiffs held in four checking accounts, Account numbers: 801676553, 801460151, 800846668, and 801636063. A copy of the Respondent's answers to Third Party Citation are attached as **Exhibit C**.

4. The total funds of Plaintiffs in Citibank's possession at the time of the citation for account number 801676553 is \$43,136.1. A copy of the account statement produced by Respondent is attached as **Exhibit D**.

5. The total funds of Plaintiffs in Citibank's possession at the time of the citation for account number 801460151 is \$15.02. A copy of the account statement produced by Respondent is attached as **Exhibit E**.

6. The total funds of Plaintiffs in Citibank's possession at the time of the citation for account number 800846668 is \$3,551.27. A copy of the account statement produced by Respondent is attached as **Exhibit F**.

7. The total funds of Plaintiffs in Citibank's possession at the time of the citation for account number 801636063 is \$46,638.18. A copy of the account statement produced by Respondent is attached as **Exhibit G**.

8. Upon service of the citation to discover assets, a lien was created in Plaintiff's favor against the funds being held by Citibank. *See Bloink v. Olson*, 265 Ill. App. 3d 711, 716, 638 N.E.2d 406, 410 (2nd Dist. 1994) ("[T]he trial court correctly concluded that a lien against the checking account funds came into existence upon the service of the citation upon the Bank.").

9. Plaintiff prays that this honorable court enter a turnover order against Third-Party citation respondent Citibank, directing it to turn over to Plaintiffs all funds being held by it pursuant

to citation and in an amount up to full satisfaction of the judgement of \$382,984.50. These funds will go towards satisfaction of the judgment entered in favor of plaintiff.

WHEREFORE, Plaintiffs, THE TRAVELERS INDEMNITY COMPANY, TRAVELERS CASUALTY AND SURETY COMPANY, and THE PHOENIX INSURANCE COMPANY, respectfully requests entry of a turnover order in accord with the relief sought in this motion, and for any further relief this court deems necessary.

TRAVELERS INDEMNITY COMPANY,
TRAVELERS CASUALTY AND SURETY
COMPANY and THE PHOENIX INSURANCE
COMPANY

By: /s/ Peter R. Ryndak
One of the Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2021, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties of record.

/s/ Peter R. Ryndak

